

03/29/2018

JULIA C. DUDLEY, CLERK
BY: s/ F. COLEMAN
DEPUTY CLERK

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA**
LYNCHBURG DIVISION

VIRGINIA FEARS,

Plaintiff,

v.

NANCY A. BERRYHILL, Acting Commissioner
of Social Security,

Defendant.

CASE NO. 6:16-cv-00055

ORDER

JUDGE NORMAN K. MOON

This matter is before the Court on the parties' cross motions for summary judgment (dkt. 12, 14), the Report and Recommendation ("R&R") of Magistrate Judge Robert S. Ballou (dkt. 16), and Plaintiff's Objections to the R&R (dkt. 17). For the reasons set forth in the accompanying memorandum opinion, the Court will **ADOPT in part** the R&R (dkt. 16). Specifically, the Court will adopt those portions of the R&R the parties do not object to, but will reject Sections I and IIA. Plaintiff's objections (dkt. 17) to those sections are **SUSTAINED**.

Accordingly, the Court will **GRANT in part** Plaintiff's motion for summary judgment (dkt. 12), and **DENY** the Commissioner's motion for summary judgment (dkt. 14). The case is remanded to the Commissioner for further proceedings in accordance with the memorandum opinion. It is so **ORDERED**.

The Clerk of the Court is hereby directed to send a certified copy of this Order to all counsel of record, and to United States Magistrate Judge Robert S. Ballou.

Entered this 29th day of March, 2018.


NORMAN K. MOON
SENIOR UNITED STATES DISTRICT JUDGE